



**CITY OF BEAVERTON  
STAFF REPORT**

**TO:** Planning Commission

**STAFF REPORT DATE:** September 23, 2015

**HEARING DATE:** September 30, 2015

**STAFF:** Sandra Monsalvè, AICP, Planning Manager

**SUBJECT:** **TA2015-0004 (Temporary Living Quarters)**

**REQUEST:** The City proposes to amend the Beaverton Development Code to allow Temporary Living Quarters as a Conditional Use within certain Commercial Zones with modified use restrictions, and within Employment/Industrial Zones with no use restrictions.

**APPLICANT:** The City of Beaverton – Planning Division

**APPLICABLE CRITERIA:** Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

**RECOMMENDATION:** Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal and make a recommendation of approval to City Council.

**1. Summary of Proposed Text Amendment**

City staff have prepared a Text Amendment to the City of Beaverton's Development Code to modify the use restrictions applicable to Temporary Living Quarters within certain Commercial Zones, and within the Employment/Industrial Zones with no use restrictions.

Within Section 20.10.20 *Land Uses* of the Beaverton Development Code, *Temporary Living Quarters* (20.10.20.14) are currently allowed with the approval of a Conditional Use permit within the Community Service (CS) Commercial zoning district, subject to a Use Restriction. Specifically, the Use Restriction (Section 20.10.25.4) limits temporary living quarters, such as hotels and extended stay hotels to specific locations that are currently adjacent to and/or adjoin major arterials within the City of Beaverton city limits.

Within Section 20.15.20 *Land Uses* of the Beaverton Development Code, *Temporary Living Quarters* (20.15.20.6) are currently allowed with the approval of a Conditional Use permit within the Office Industrial (OI) Employment / Industrial zoning district, subject to a Use Restriction. Specifically the Use Restriction (Section 20.10.25.9) prohibits temporary living quarters except extended stay hotels. In the case of extended stay hotels, that use requires the approval of a conditional use permit and is further restricted by site size requirements and limitations on ancillary uses such as, restaurants and meeting rooms designed to meet the needs of the guests only and not the general public.

The City of Beaverton's Economic Development Division commissioned a Hotel Development Market Analysis by Johnson Economics, published in July 2014 which evaluated the potential for hotel development within the City of Beaverton. Specifically, Johnson Economics assessed the City's market conditions within three submarkets in order to determine the potential for "new lodging facilities against the backdrop of the competitive landscape." The submarkets have been defined as Submarket 1 - Highway 217 Corridor; Submarket 2 – Downtown Beaverton, and Submarket 3 – Sunset Corridor.

Johnson Economics surveyed Beaverton's supply of hotels with the following results: Beaverton has 10 hotels with a total of 1,051 guestrooms, averaging 105 rooms per property (*Hotel Development Market Analysis*, July 2014). The hotels range in age and quality and attract various target demographics, from business travelers to budget conscious tourists. The average age of Beaverton's hotels range from 22 years to 41 years. The market study concludes that there is "latent demand for hotel space within Beaverton's core, in addition to stating that the largest concentration of employment is found in downtown" where there is land available for future hotel development. In addition, the western portions of Submarket 3 contains a mix of software and manufacturing companies, which are also key drivers of hotel room demand within Beaverton.

In summary, the proposed amendments to the Development Code are in order to provide additional opportunities for hotel development within the City by removing regulatory barriers within the development code. The review of occupancy rates, especially during the summer months (high of 90%), indicates that Beaverton is poised to increase the availability of hotel rooms throughout the three identified submarket areas, if a variety of hotel development is supported by the development code with modifications to, and/or removal of, the specific use restrictions.

## **2. Public Comment**

Public notice was provided consistent with Section 50.50 of the Development Code. As of the date of issuance of the staff report and recommendation, no written comments from the public were received and/or submitted to the record. Staff has also not received any written comments from Metro, Washington County, or the Oregon Department of Land Conservation and Development (DLCD) staff.

### **3. Facts and Findings**

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2015-0004 (*Temporary Living Quarters*):

#### ***Development Code Approval Criteria***

***1. The proposal satisfies the threshold requirements for a Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is any proposed change to the Development Code, excluding changes to the zoning map. TA2015-0004 proposes to make changes to Chapter 20 of the Development Code, as shown in the attached Exhibit 1.1. Therefore, staff find that approval criterion one has been met.

***2. All City application fees related to the application under consideration by the decision-making authority have been submitted.***

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

***3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.***

Metro's Urban Growth Management Functional Plan (UGMFP) is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. The UGMFP is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy (Repealed and moved to Title 4 of the Regional Transportation Functional Plan (RTFP))
- Title 3: Water Quality and Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Centers, Corridors, Station Communities and Main Streets

- Title 7: Housing Choice
- Title 8: Compliance Procedures
- Title 9: Performance Measures (Repealed)
- Title 10: Functional Plan Definitions
- Title 11: Planning for New Urban Areas
- Title 12: Protection of Residential Neighborhoods
- Title 13: Nature in Neighborhoods
- Title 14: Urban Growth Boundary

The City is required to bring its land use regulations into conformance with the UGMFP. This proposed text amendment does not conflict with any titles of the UGMFP.

The proposed Text Amendment would allow Temporary Living Quarters as a Conditional Use within certain Commercial Zones with modified use restrictions as listed in Section 20.10.25.4 of the Development Code, and within Employment/Industrial Zones with no use restrictions. The proposed amendments will promote activity and investment in Corridors and provide greater business support in Employment areas. Therefore, staff find that approval criterion three has been met.

**4. *The proposed text amendment is consistent with the City's Comprehensive Plan.***

Staff finds that the following Comprehensive Plan Policies apply to this proposal:

**Chapter Three: Land Use Element**

**Goal 3.4.2 *Provide relationships between residential, commercial, industrial, mixed and public land uses to provide a sound basis for urbanization.***

Section 3.07.130 of the Metro Functional Plan states that “*For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map: Regional Centers, Station Communities, Town Centers, Main Streets, Corridors, Employment Areas, and Inner Neighborhood.*” The text amendment addresses changes in the use restrictions as part of the land use regulations, in particular within an Employment / Industrial zone and within a Commercial zone that is within a Corridor area; which will in affect allow additional uses within the Temporary Living Quarters category for both *Employment* and *Corridor* locations, thereby supporting the requirements of the Functional Plan – *2040 Growth Concept*.

**Chapter Nine: Economy Element**

### **Goal 9.2.2: Providing a Strong Public Partnership for Economic Development**

The above goal supports building a strong foundation for business development within the City of Beaverton. The so-called “building blocks include having an adequate supply of buildable land to meet projected needs, availability of adequate public facilities and services” and adequate access to transportation. The City’s goal is to also provide a regulatory environment which is conducive to forming and/or expanding businesses.

The proposed text amendment supports this goal by providing a regulatory environment that increases the opportunities for new hotels to locate within the Community Service (CS) and Office Industrial (OI) zoning districts. The following goal of the Economy Element provides additional support of the text amendment:

#### **Goal 9.2.2.2: To enable business to easily start or expand their enterprise.**

The proposed uses are already allowed within the Development Code within the Community Service (CS) and Office Industrial (OI) zones; however, both uses are subject to Use Restrictions as listed in Sections 20.10.25.4 and 20.10.25.9 accordingly. By amending the Use Restrictions, hotel development can be more competitive with current market trends of the hospitality industry, and provide a greater variety of choices available to business travelers and tourists that come to the City of Beaverton.

By expanding the types and location of new hotels within the City of Beaverton, the use is supported by the Economic Element of the Comprehensive Plan. Therefore, staff find that approval criterion four has been met.

#### **5. *The proposed text amendment is consistent with other provisions within the City’s Development Code.***

The text amendment is intended to work within the existing framework of the Development Code, specifically Chapter 20- Land Uses. The proposed amendment does not create conflicts with other provisions of the Development Code. Therefore, staff find that approval criterion five has been met.

#### **6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.***

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion six has been met.

**7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

***Other applicable approval criteria***

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff have determined that the following goals apply:

Goal 1	Goal 2	Goal 9	Goal 11
Goal 12	Goal 14		

*Goal 1: Citizen Involvement To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Staff find that the City has provided adequate notice and opportunity for public involvement for the proposed text amendment and public hearing.

*Goal 2: Land Use Planning To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

Staff find that the proposed text amendment fits within the established process and framework. Furthermore, the findings contained within this report establish an adequate factual basis for the proposal.

*Goal 9: Economy of State To diversify and improve the economy of the state.*

The modification and/or removal of the Use Restrictions for *Temporary Living Quarters* within the City of Beaverton allows for expanding opportunities for business development. Staff find that the proposal will not have a negative impact on the economy of the state.

*Goal 11: Public Facilities and Services To plan and develop a timely, orderly, and efficient arrangement of public facilities and service to serve as a framework for urban and rural development.*

Staff find that the proposal will not impair the City's ability to provide the necessary services.

*Goal 12: Transportation To provide and encourage a safe, convenient and economic transportation system.*

Staff find that the proposal supports the use of public transportation by maintaining an already established use within the Development Code. The locations of *Temporary Living Quarters* within established Commercial zoning districts and Employment/Industrial zoning districts must comply with all applicable Development Code sections. In addition, when required to process a project specific conditional use permit, typically a Transportation Impact Analysis (TIA) will be required in order to mitigate any potential negative traffic impacts.

*Goal 14: Urbanization To provide for an orderly and efficient transition from rural to urban land use.*

Staff find that the proposal only applies to already urbanized land and therefore does not alter the transition from rural to urban land use.

State Land Use Goal Compliance Summary: Therefore, staff find that the proposed text amendment complies with all of the applicable State Planning Goals.

#### **4. Conclusions**

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7 of the Development Code.

#### **5. Staff Recommendation(s)**

Staff offers the following recommendation for the conduct of the September 30, 2015 public hearing for TA2015-0004 (Temporary Living Quarters):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Consider the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of text amendment application TA2015-0004 (*Temporary Living Quarters*) to the City Council.

#### **6. Exhibits**

Exhibit 1.1 Chapter 20 Proposed Text

Exhibit 1.2 Hotel Development Market Analysis by Johnson Economics, July 2014